

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brian B.,

Case No. 24-CV-2884 (NEB/ECW)

Petitioner,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

Eric Tollefson and US ICE,

Respondents.

The Court has received the July 26, 2024 Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright. (ECF No. 5.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). The R&R concludes that Petitioner prematurely challenged the length of his post-removal order detention prior to the expiration of the presumptively constitutional six-month period described in *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). (R&R at 4.) Because the Court agrees, dismissal of the petition is proper. Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 5) is ACCEPTED;
2. The Petition for Writ of Habeas Corpus (ECF No. 1) is DENIED; and

3. The action is DISMISSED WITHOUT PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 3, 2024

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge